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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/599,999

06/23/2000

Steven Andrew Cover

204006

8986

23460

7590

01/15/2003

LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

LUU, SY D

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/599,999

Applicant(s)

COVER ET AL.

Examiner

Sy D Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2001 and 23 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 recites "the opening step" on line 2. There is insufficient antecedent basis for this limitations in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Netscape Communicator / Composer ("Netscape Communicator").

As per claims 1-5, Netscape Communicator teaches a method of modifying an image on a web page, the method comprising: establishing communication with a remote computer (figures 2-4) over an Internet public network (figures 2-4) using HTTP Internet protocol through a TCP/IP stack (*inherent features within browsers such as Netscape*); downloading the web page from the remote computer (figs. 2-3); displaying the web page on a user interface (fig. 4); and in response to the user selecting the image from the displayed web page via the user interface (figs. 4 and 6; *user selecting image 40 and activating the editor through menu option 42 in figure 4 or menu option 62 in figure 6*), presenting the image in an editing interface for modification by the user (fig. 8; *where a preferred editor was previously designated through option "Preferences" as shown in fig. 7*).

As per claims 6, Netscape Communicator teaches the web page to comprise a plurality of images (figs 4; *images 40 and 44a-44c; see also element 100 in fig. 10*), and wherein the presenting step further comprise: in response to user selection of at least one image of the plurality of images (figs. 4 and 6; *user selecting image 40 and activating the editor through menu option 42 in figure 4 or menu option 62 in figure 6*), presenting the selected image in an editing interface for modification by the user (fig. 8; *where a preferred editor was previously designated through option "Preferences" as shown in fig. 7*).

Claims 7, 11, 12-14 and 17-22 are similar in scope to claims 6, 1, 6, 9, 1, 7, 14-17, 1 respectively, and are therefore rejected under similar rationale.

As per claim 10, Netscape Communicator teaches the user being given an option to open the web page in the editing interface (figs 2-4).

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As per claim 15, Netscape Communicator teaches the steps of detecting the location of the cursor on the user interface, and changing the appearance of the image when the cursor is over at least part of the image, thereby distinguishing the image from the rest of the web page (fig. 9; *as shown by the highlighting of image 90 and the depiction of the image description "USPTO logo – eagle landing..."*).

Claim 16 is similar in scope to the combination of claims 6 and 15, and are therefore rejected under similar rationale.

Claims 23, 27 and 29 are similar in scope to claims 2, 16 and 8 respectively, and are therefore rejected under similar rationale.

As per claim 24, Netscape Communicator discloses the communication means to be a socket (*an inherent feature for indentifying a particular service on a particular node on a network*).

As per claims 25-26, Netscape Communicator teaches the display means to be a web browser in cooperating with the communicating means (figs. 1 and 4).

As per claims 28, Netscape Communicator teaches the editing means to be a graphic editing program (fig. 8).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Netscape Communicator / Composer ("Netscape Communicator").

As per claims 8-9, Netscape Communicator does not explicitly disclose the steps of determining user's write access privilege/authorization and saving a modified image as a as a modified source file onto the remote computer. However, these steps are notoriously well known in the art. It would have been obvious to an artisan at the time of the invention to include these steps with the Netscape Communicator in order to provide measures of security for user accounts and data therein.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Graham (US 6,343,302 B1)

Truong (US 6,151,609)

*Inquires*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

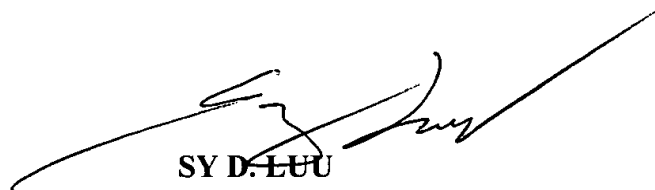
The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**SY D. LUU**  
**PRIMARY EXAMINER**  
January 10, 2003